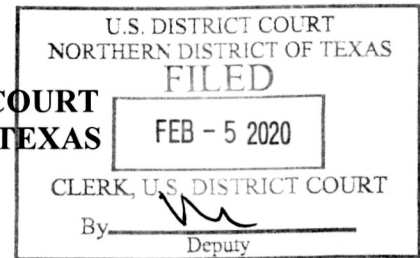


IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION



UNITED STATES OF AMERICA

v.

MIGUEL ANGEL ETCHECHURY (03)

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CRIMINAL NO. 3:19-CR-140-K

**FINDINGS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

On this day, pursuant to the referral of District Judge Ed Kinkeade, Doc. 172, a hearing was held to determine Defendant Miguel Angel Etchechury's present competence to stand trial. Defendant appeared in person and through counsel, Katherine L. Reed, and announced ready to proceed. The Government appeared by and through Assistant United States Attorney Myria Boehm, and likewise announced ready to proceed.

Neither the Government nor Defendant objected to the *Forensic Evaluation* of Defendant Etchechury submitted by the Bureau of Prisons, dated January 23, 2020 and filed January 30, 2020, Doc. 171. Although given the opportunity to do so, neither the Government nor Defendant Etchechury offered any evidence or argument disputing the findings in the *Forensic Evaluation*.

FINDINGS

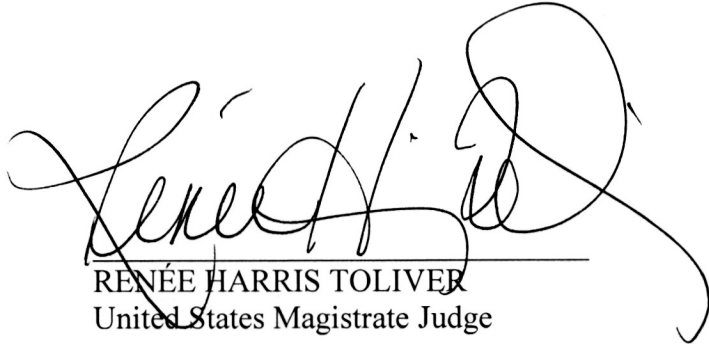
Having reviewed and accepted the *Forensic Evaluation*, Doc. 171, the Court fails to find by a preponderance of the evidence that Defendant Etchechury is suffering from a mental disease or defect that would render him mentally incompetent to understand the nature and consequences of the proceedings against him or to assist properly in his defense. *See* 18 U.S.C. § 4241(d). Indeed, the Court affirmatively finds that Defendant Etchechury is able to understand the nature

and extent of the proceedings against him and is able to assist properly in his defense. Thus, the Court finds Defendant Etchechury is competent to proceed to trial.

RECOMMENDATION

For the reasons stated herein, it is recommended that the Court adopt the findings of the *Forensic Evaluation*, Doc. 171, and find that Defendant Etchechury understands the nature and consequences of the proceedings, is able to assist properly in his defense, and is competent to proceed in this case.

SIGNED February 5, 2020.



RENÉE HARRIS TOLIVER
United States Magistrate Judge


Having reviewed the foregoing report and recommendation of the magistrate judge, we waive the 14-day objection period and consent to its immediate acceptance by the district judge.



MYRIA BOEHM
Assistant United States Attorney
Counsel for the Government



MIGUEL ANGEL ETCHECHURY
Defendant



KATHERINE REED
Sorrels Udashen & Anton
Attorney for Defendant